

From: [Tzhone Stephen](#)
To: [Teague Kenneth](#); [Turner Philip](#); [Rauscher Jon](#); [Sanchez Carlos](#); [Miller Garyg](#); [Foster Anne](#)
Cc: [Fontenot Alison](#); [Smith Donald-M](#); [Martinez Maria](#); [Meyer John](#)
Subject: RE: U.S. Army Corps of Engineers Draft 2017 Nationwide Permit Regional Conditions- San Jacinto Waste Pits Area of Concern
Date: Tuesday, June 07, 2016 1:32:59 PM
Attachments: [image001.png](#)

I just contacted Ken and he will contact TCEQ and USACE.

My understanding is that 6SF and 6WQ have not changed the permit evaluation requirement process developed from 2009 and 2011.

If the highlighted language below would entail a change in that process, I would recommend that the interagency workgroup (i.e. 6SF, 6WQ, TCEQ, and USACE) reconvene to ensure that the original intent would still be met (i.e. to minimize permittee exposure to CERCLA liability, while allowing for Houston Ship Channel/Galveston Bay watershed permitted activities under the Clean Water Act Section 404 and Rivers & Harbors Action Section 10).

Thanks,

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From: Teague, Kenneth
Sent: Tuesday, June 07, 2016 1:05 PM
To: Turner, Philip <Turner.Philip@epa.gov>; Rauscher, Jon <Rauscher.Jon@epa.gov>; Tzhone, Stephen <tzhone.stephen@epa.gov>; Sanchez, Carlos <sanchez.carlos@epa.gov>; Miller, Garyg <Miller.Garyg@epa.gov>
Cc: Fontenot, Alison <Fontenot.Alison@epa.gov>; Smith, Donald-M <Smith.Donald-M@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>
Subject: U.S. Army Corps of Engineers Draft 2017 Nationwide Permit Regional Conditions- San Jacinto Waste Pits Area of Concern

The U.S. Army Corps of Engineers recently issued their INITIAL PUBLIC NOTICE for NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS. This includes their Draft 2017 Nationwide Permit Regional Conditions, which include a condition related to the San Jacinto Waste Pits Area of Concern.

11. For all work in the San Jacinto River Waste Pits (SJWP) Area of Concern (AOC), authorized under a NWP, requires a waiver from the Galveston District Engineer. The applicant shall notify the Galveston District Engineer (DE) in accordance with the NWP General Condition 32, Pre-Construction Notification (PCN). This PCN shall be used to review the project to determine if it will result in more than minimal effects to the region and does not lessen the restriction provided by any General Condition of the NWPs. The applicant must receive written approval, including a waiver from the Galveston DE prior to starting work in jurisdictional areas of waters of the United States.

I suppose the obvious question is whether or not this condition is consistent with the Permit Evaluation Requirement Process for the San Jacinto Waste Pits Area of Concern, as explained in our letters of October 13, 2009 and January 25, 2011.

Please provide any comments to me by July 7, 2016.



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